



3-25-05

JFW

Express Mailing Label No. EV487233418US

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number 10/825,088

Filing Date April 15, 2004

First Named Inventor David Sperduti

Group Art Unit 3621

Examiner Name Not yet assigned

Total Number of Pages in This Submission

6

Attorney Docket Number

283-412

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s)☐ After Allowance Communication to
Technology Center (TC)☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):Return Mailroom Postcard and copies of
cited reference BA-BX

Remarks

**The Commissioner is authorized to charge any additional fees
to Deposit Account No. 50-0289.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual name

Wall Marjama & Bilinski LLP

Joseph B. Milstein

Signature

Date

March 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Express Mail Label No. EV487233418US

Attorney Docket No.: 281_412

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **David SPERDUTI
et al.**

Application No.: **10/825,088**

Filed: **April 15, 2004**

For: **PROXIMITY TRANSACTION
APPARATUS AND METHODS OF
USE THEREOF**

Examiner: Not yet assigned

Art Unit: 3621

Confirmation No.: 7165

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A is being called to the attention of the Examiner. Copies of the references BA- BX are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

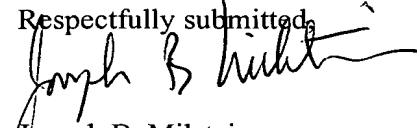
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Application No.: 10/825,088
Page 2

Applicant believes that no fee is required for submission of this statement.

Please deduct any additional fees from, or credit any overpayment to, the Deposit Account
50-0289.

Respectfully submitted,



Joseph B. Milstein
Reg. No. 42,897

WALL MARJAMA & BILINSKI LLP
101 South Salina Street, 4th Floor
Syracuse, New York 13202
Tel: 315 425-9000
Fax: 315 425-9114

Date: March 24, 2005

Customer No. 20874



Express Mail Label No.EV487233418US

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/825,088
Filing Date	04/15/2004
First Named Inventor	David Sperduti
Art Unit	3621
Examiner Name	Not yet assigned
Attorney Docket Number	283-412

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-4,475,481	10/9/1984	Caroll	
	AB	US-5,151,769	9/29/1992	Immorlica, Jr. et al.	
	AC	US-5,206,495	4/27/1993	Kreft	
	AD	US-5,270,717	12/14/1993	Schuermann	
	AE	US-5,451,958	9/19/1995	Schuermann	
	AF	US-5,455,575	10/3/1995	Schuermann	
	AG	US-5,500,651	3/19/1996	Schuermann	
	AH	US-5,541,604	7/30/1996	Meier	
	AI	US-5,629,981	5/13/1997	Nerlikar	
	AJ	US-5,939,984	8/17/1999	Brady et al.	
	AK	US-5,973,600	10/26/1999	Mosher, Jr.	
	AL	US-6,003,777	12/21/1999	Kowalski	
	AM	US-6,038,190	3/14/2000	Kowalski	
	AN	US-6,097,292	8/1/2000	Kelly et al.	
	AO	US-6,100,804	8/8/2000	Brady et al.	
	AP	US-6,130,612	10/10/2000	Castellano et al.	
	AQ	US 6,211,799	4/3/2001	Post et al.	
	AR	US-6,229,442	5/8/2001	Rolin et al.	
	AS	US-6,247,033	6/12/2001	Kowalski	
	AT	US-6,249,227	6/19/2001	Brady et al.	
	AU	US-6,264,106	7/24/2001	Bridgelall	
	AV	US-6,275,681	8/14/2001	Vega et al.	
	AW	US-6,282,407	8/28/2001	Vega et al.	
	AX	US-6,286,763	9/11/2001	Reynolds et al.	
	AY	US 6,293,467	9/25/2001	Reddersen et al.	
	AZ	US-6,307,208	10/23/2001	Cocuzza et al.	
	AAA	US-6,318,636	11/20/2001	Reynolds et al.	
	ABB	US-6,319,827	11/20/2001	Kowalski et al.	
	ACC	US 2001/0042786	11/22/2001	Reynolds et al.	
	ADD	US 2001/0045460	11/29/2001	Reynolds et al.	
	AEE	US-6,337,619	1/8/2002	Kowalski et al.	
	AFF	US 2002/0011519	1/31/2002	Shults, III	
	AGG	US-6,362,738	3/26/2002	Vega	
	AHH	US 6,404,340	6/11/2002	Paradiso et al.	
	All	US 2002/0074398	6/20/2002	Lancos et al.	
	AJJ	US-6,415,978	7/9/2002	McAllister	
	AKK	US-6,415,982	7/9/2002	Bridgelall et al.	
Examiner Signature			Date Considered		

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

² Applicant's unique citation designation number (optional). ³ Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

Complete if Known

Application Number	10/825,088
Filing Date	04/15/2004
First Named Inventor	David Sperduti
Art Unit	3621
Examiner Name	Not yet assigned
Attorney Docket Number	283-412

Sheet	2	of	3
-------	---	----	---

[illegible]Date
Considered

¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231

+

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **3** of **3****Complete if Known**

Application Number	10/825,088
Filing Date	04/15/2004
First Named Inventor	David Sperduti
Art Unit	3621
Examiner Name	Not yet assigned
Attorney Docket Number	283-412

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	BA	PCT	WO 91/14237		9/19/1991	Cubic Western Data		Y
	BB	PCT	WO 93/09516		5/13/1993	Cubic Automatic Revenue Collection Grp.		Y
	BC	PCT	WO 97/42578		11/13/1997	Inside Technologies		AB
	BD	PCT	WO 98/02980		1/22/1998	Inside Technologies		AB
	BE	PCT	WO 98/06057		2/12/1998	Inside Technologies		AB
	BF	PCT	WO 98/59319		12/30/1998	Inside Technologies		AB
	BG	PCT	WO 99/00775		1/7/1999	Nat'l Westminster Bank		Y
	BH	EP	0 568 067		3/24/1999	Texas Instruments		Y
	BI	PCT	WO 99/16015		4/1/1999	Cubic Corporation		Y
	BJ	EP	0 693 695		3/1/2000	Texas Instruments		Y
	BK	EP	0 681 192		3/15/2000	Texas Instruments		Y
	BL	PCT	WO 00/16289		3/23/2000	Motorola Inc.		Y
	BM	PCT	WO 02/21424		3/14/2002	Gap Inc.		Y
	BN	PCT	WO 02/073522		9/19/2002	STmicroelectronics SA		AB
	BO	PCT	WO 03/007201		1/23/2003	ASK S.A.		AB
	BP	PCT	WO 03/024190		3/27/2003	Metro Logic Instruments		Y
	BQ	PCT	WO 03/025850		3/27/2003	ASK S.A.		AB
	BR	PCT	WO 03/036561		5/1/2003	Inside Technologies		AB
	BS	EP	1 240 632		6/4/2003	Swisscom Mobile		Y
	BT	PCT	WO 03/050749		6/19/2003	Mastercard Int'l Inc.		Y
	BU	PCT	WO 03/060794		7/24/2003	Mastercard Int'l Inc.		Y
	BV	EP	1 331 590		7/30/2003	Texas Instruments Inc.		Y
	BW	PCT	WO 03/071396		8/28/2003	Digmarc Corp.		Y
	BX	PCT	WO 03/081832		10/2/2003	MasterCard Int'l Inc.		Y

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231